

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

Item 35 I.D.#3013
RESOLUTION E-3858
DECEMBER 4, 2003

RESOLUTION

RESOLUTION E-3858. SBC PACIFIC BELL (SBC) REQUESTS A DEVIATION FROM CALIFORNIA PUBLIC UTILITIES CODE SECTION 320. THIS RESOLUTION GRANTS THE REQUEST AND AUTHORIZES SBC TO ADD APPROXIMATELY 1200 FEET OF AERIAL CABLE ALONG HIGHWAY 116 ON EXISTING TELEPHONE POLES IN SONOMA COUNTY FROM FOOTHILL DRIVE TO MONTE CRISTO AVENUE. HIGHWAY 116 IS WITHIN A COUNTY AND STATE SCENIC CORRIDOR.

BY LETTER DATED JULY 17, 2003, FROM SBC PACIFIC BELL.

SUMMARY

On July 17, 2003, SBC Pacific Bell requested authority for deviation from the undergrounding requirements of Section 320 of the Public Utilities Code. The letter request was filed by the Energy Division as NON-35.

This resolution approves the request to add a fourth aerial cable approximately 1200 feet along Highway 116 on existing joint utilities poles in Sonoma County from Foothill Drive to Monte Cristo Avenue.

BACKGROUND

California Public Utilities Code Section 320 (P.U. Code Section 320) was enacted in 1971, Chapter 1697, and reads in part as follows:

The legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground.

The Commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the Commission relating to the undergrounding of facilities.

The Commission shall require compliance with the plan upon its adoption.

The Commission is responsible for the administration of Section 320 of the P.U. Code. After hearings conducted in Case 9364, Commission Decision (D) 80864 implemented the State Legislation. D.80864 states that:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution. (74 CPUC 457, D.80864)

D.80864 stipulates that no communications or electric utility shall install overhead distribution facilities "in proximity to" and "visible from" any prescribed corridor on a designated scenic highway in California unless a showing is made before the Commission and a finding made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning. The Decision also defines "in proximity to" as being within 1,000 feet from each edge of the right-of-way of designated State Scenic Highways.

D.80864 also stipulates that when repairs or replacement of existing overhead facilities in the same location do not significantly alter the visual impact of the Scenic Highway, they should not be considered as new construction and need not be converted to underground.

NOTICE

Publication in the Commission's Daily Calendar on September 2, 2003 provided public notice of SBC's letter dated July 17, 2003. General Order 96 service requirements for Advice Letters do not apply to letter requests for deviation from the Public Utilities Code.

PROTESTS

The Commission received no protests.

DISCUSSION

We will evaluate this deviation request considering the nature of the project; local government recommendation; visibility, aesthetics, and environmental impact; and economic feasibility. We will base our recommendation on tangible evidence and analysis of these factors.

Nature of the Project

SBC proposes to place approximately 1200 feet of a 300-pair aerial cable, 1.48" in diameter, black in color, along Highway 116 from Foothill Drive (Post Marker 7.26, Pole # 164) to Monte Cristo Avenue (Pole #172).

SBC stated that this project (project # TD1443) would provide product services to existing customers and to allow for future growth in the area.

There are currently three existing cables on this section of communication pole line.

<i>Description</i>	<i>Cable Dimension</i>	<i>Cable Color</i>
1200 pair, 24 gauge	2.5" in Diameter	Black
200 pair, 26 gauge	1.2" in Diameter	Black
Fiber Optics	1.5" in Diameter	Black

SBC plans to begin construction in December of 2003 and to complete the project in approximately two months.

This addition will be a permanent deviation.

Local Government Recommendation

The scenic corridor of Highway 116 extends from State Route 1 to the South city limit of Sebastopol. Since the exemption requires Commission approval and expressed opinion of the local government, SBC has requested a recommendation from the Permit and Resource Management Department of the County of Sonoma. By a letter dated June 20, 2003, the County recommended the Commission to grant a deviation for this project to avoid disturbance of redwood tree roots along the highway.

Visibility, Aesthetics, and Environmental Impact

This project involves adding 1200 feet of a 300-pair aerial cable, 1.48" in diameter, black in color along Highway 116. There is little adverse impact on visibility and aesthetics of the highway based on the photographs and project drawing submitted by SBC on the proposed cable addition. There are existing electric and telephone cables on poles along the aforementioned sections of Highway 116. Overhead facilities would remain visible from the highway.

SBC stated that project terrain and impact on vegetation and redwood tree root system would prohibit cables from undergrounding in this project. Various cable gauge requirements also restrict SBC from combining proposed cable with any of the existing cables.

SBC also does not expect the added facilities will be more visible to the residences, businesses, and travelers along Highway 116 after completion of this project.

This project is exempted from General Order 131D environmental requirements, since the voltage level of the aerial communication facilities is below 50KV. SBC has not conducted an environment assessment on the impact of undergrounding along Highway 116.

Economic feasibility

SBC will fund this project. They submitted the following cost estimates.

Options	Project Cost Excluding Cable Placement Costs Along Highway 116	Telephone Cable Placement Cost Along Highway 116	Total Cost for SBC
Overhead	\$25,000	\$6,500	\$31,500
Underground	\$25,000	\$94,200	\$119,200
Underground to Overhead Ratio	1:1	14.5:1	3.8:1

The above data indicates that utility cost alone, to place telephone lines underground at this location would exceed the overhead cost by more than 14:1, and the cost of the project as a whole would be more than tripled. The cost ratios would be even greater if we also account for undergrounding existing electric facilities along this portion of the Highway. Hence, undergrounding would substantially increase the cost of the project. This cost disparity renders the underground alternative impractical.

Summary

Since the factors discussed above favor the placement of overhead cables instead of underground, the Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2004.

COMMENTS

This is an uncontested matter in which the Resolution grants the relief requested. Accordingly, pursuant to PU Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. The Commission administers Section 320 of the Public Utilities (PU) Code requiring undergrounding of utilities lines long designed Scenic Highways and accept letter requests for deviations.
2. The applicant must show that undergrounding would not be economically feasible or would be inconsistent with sound environmental planning.
3. By letter dated July 17, 2003, SBC requested authority for deviation from the undergrounding requirements of Section 320 of the Public Utilities Code.
4. This project involves adding approximately 1200 feet of a 300-pair aerial cable, 1.48" in diameter, black in color along Highway 116.
5. SBC plans to begin construction in December 2003 and complete the project in approximately 2 months.
6. This addition will be permanent.
7. By a letter dated June 20, 2003, The Resource Management Department of the County of Sonoma recommended the Commission grant a deviation.
8. There are existing electric and telephone cables on poles along this section of Highway 116. Hence, overhead facilities would remain visible from the highway.
9. SBC does not expect that the added facilities will be significantly more visible to the residences, businesses, and travelers along Highway 116 after the completion of this project.
10. The utility costs alone, to place telephone lines underground at this location

would exceed the overhead cost by more than 14:1.

11. The Commission should approve and grant this deviation; but construction work associated with this deviation is granted only through the end of 2004.

THEREFORE, IT IS ORDERED THAT:

1. Pacific Bell's request to add approximately 1200 feet of aerial cable along Highway 116 is approved. This deviation is granted only through the end of 2004.
2. This Resolution is effective today.

I hereby certify that the Public Utilities Commission adopted this Resolution at its regular meeting on December 4, 2003. The following Commissioners voting favorably thereon:

WILLIAM AHERN
Executive Director